

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

March 20, 2006

At 9:31 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Davis, Associate Justice; Hull, Associate Justice; and Rios, bailiff.

C045708 NADLER et al. v. SCHWARZENEGGER, as Governor etc., et al.

Cause called. Jeffrey S. Galvin argued and Matthew G. Jacobs appeared only for appellants. Robin B. Johansen argued and Thomas Willis appeared only for respondents. Cause submitted.

At 10:05 a.m., the court recessed. At 10:07 a.m., the court reconvened with Sims, Associate Justice; Davis, Associate Justice; and Hull, Associate Justice.

C048810 THE PEOPLE v. BOWERS

Cause called. Robert L. Angres, court appointed counsel, argued for appellant. Kelly E. Lebel, Deputy Attorney General, argued for respondent. Cause submitted.

C048154 THE PEOPLE v. CLARK

Cause called. Richard Doctoroff, court appointed counsel, argued for appellant. Daniel B. Bernstein, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:41 a.m., the court recessed. At 10:45 a.m., the court reconvened with Davis, Associate Justice; Robie, Associate Justice; and Cantil-Sakauye, Associate Justice.

C048481 FRESQUEZ, a Minor, etc., et al. v. SACRAMENTO UNIFIED SCHOOL DISTRICT

Cause called. Moseley Collins argued for appellants. Jonathan R. Marz argued for respondents. Cause submitted.

At 11:12 a.m., the court recessed. At 11:18 a.m., the court reconvened with Nicholson, Associate Justice; Raye, Associate Justice; and Cantil-Sakauye, Associate Justice.

C037472 FRESNO UNIFIED SCHOOL DISTRICT v. COREGIS INSURANCE COMPANY et al.

Cause called. H. Douglas Galt argued and submitted additional citations and Paul Woolls appeared only for appellants. Patricia Jo Custer argued and submitted additional citations and Stephen D. Lucas and Albert E. Haverkamp appeared only for respondent. Cause submitted.

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March 20, 2006, continued

At 11:53 a.m., the court recessed. At 2:01 p.m., the court reconvened with Scotland, Presiding Justice; Sims, Associate Justice; and Davis, Associate Justice.

C048439 THE PEOPLE v. WEBBER

Cause called. Richard Krech, court appointed counsel, argued for Appellant and submitted additional citations. Melissa Lipon, Deputy Attorney General, argued for respondent. Cause submitted.

At 2:33 p.m., the court recessed. At 2:37 p.m., the court reconvened with Scotland, Presiding Justice; Sims, Associate Justice; and Davis, Associate Justice.

C047916 THE PEOPLE v. CRAVER

Cause called. Madeline McDowell, court appointed counsel, argued for appellant. Jeanne Wolfe, Deputy Attorney General, argued for respondent. Cause submitted.

At 3:04 p.m., the court recessed. At 3:07 p.m., the court reconvened with Davis, Associate Justice; Robie, Associate Justice; and Cantil-Sakauye, Associate Justice.

C049329 SOUZA, a Minor, etc. v. SQUAW VALLEY SKI CORPORATION et al.

Cause called. Bradley P. Elley argued for appellant. Michael L. Reitzell argued for respondents. Cause submitted.

At 3:34 p.m., the court recessed until 9:30 a.m., Wednesday, March 22, 2006.

C049029 THE PEOPLE v. SEARCY

(Not for Publication)

The judgment is affirmed.

ROBIE, J.

We Concur: Nicholson, Acting P.J.

Butz, J.

C050125 THE PEOPLE v. BRITTON

(Not for Publication)

The judgment is affirmed.

ROBIE, J.

We Concur: Morrison, Acting P.J.

Butz, J.

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March 20, 2006, continued

C049379 HOSKINS et al. v. HOGSTAD et al. Order Denying Rehearing

THE COURT:

Defendants seek a rehearing on the ground that this case is governed by the amended version of Code of Civil Procedure section 425.16 that took effect on October 5, 2005, nearly a year after they filed their motion under the statute... The petition for rehearing is denied.

BY THE COURT:

NICHOLSON, Acting P.J.
MORRISON, J.
ROBIE, J.

March 21, 2006

C047178 THE PEOPLE v. SPENCER (Not for Publication)

The verdicts are affirmed, and the matter is remanded for the trial court to state the factual basis for full consecutive sentences on counts 1 and 2.

DAVIS, Acting P.J.

We Concur: Robie, J.

Cantil-Sakauye, J.

C047691 THE PEOPLE v. RIKARD (Not for Publication)

The judgment is affirmed.

NICHOLSON, J.

We Concur: Sims, Acting P.J.

Cantil-Sakauye, J.

C048731 THE PEOPLE v. PAYNE (Not for Publication)

The judgment is affirmed.

CANTIL-SAKAUYE, J.

We Concur: Sims, Acting P.J.

Raye, J.

C048863 THE PEOPLE v. SHELTON, JR. (Not for Publication)

The judgment is affirmed.

BLEASE, Acting P.J.

We Concur: Nicholson, J.

Morrison, J.

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March 21, 2006, continued

- C049067 THE PEOPLE v. DUENAS (Not for Publication)**
Defendant's conviction of violation of Penal Code section 12021,
subdivision (a)(1) is reversed and the charge is ordered dismissed...
CANTIL-SAKAUYE, J.
We Concur: Scotland, P.J.
Robie, J
- C049427 THE PEOPLE v. STAGGS (Not for Publication)**
The judgment is affirmed.
BLEASE, Acting P.J.
We Concur: Sims, J.
Morrison, J.
- C049561 THE PEOPLE v. WELLBORN (Not for Publication)**
The judgment is affirmed.
SCOTLAND, P.J.
We Concur: Davis, J.
Cantil-Sakauye, J.
- C049962 THE PEOPLE v. ADSIDE (Not for Publication)**
The judgment is modified... As modified, the judgment is affirmed.
Butz, J.
We Concur: Davis, Acting P.J.
Morrison, J.
- C048782 NESS v. ALEXANDER & BALDWIN, INC. et al. (Not for Publication)**
The judgment is affirmed. Costs on appeal are awarded to plaintiff. (Cal.
Rules of Court, rule 27(a).)
NICHOLSON, J.
We Concur: Scotland, P.J.
Hull, J.
- C050519 In re N.H.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND
HUMAN SERVICES v. KIMBERLY H. (Not for Publication)**
The jurisdictional and dispositional orders are affirmed.
SCOTLAND, P.J.
We Concur: Davis, J.
Hull, J.

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March 21, 2006, continued

C044682 PONCIANO JR., et al. v. REPUBLIC INDEMNITY INSURANCE COMPANY OF CALIFORNIA

BY THE COURT:

Appellants' petition for rehearing is denied.

Appellants' request to publish the opinion filed February 28, 2006, is also denied.

SCOTLAND, P.J.

C047255 STEPHENS v. VALLEY INDUSTRIES, LLC.

BY THE COURT:

Respondent's petition for rehearing is denied.

SCOTLAND, P.J.

C049917 BENT v. RIVERGATE COMMONS et al.

BY THE COURT:

Appellant's request for reconsideration of the dismissal of the appeal as to Allstate Insurance Company is denied.

Appellant's motion to augment the record on appeal is granted...

... If the motion includes a request for audiotape of videotape exhibits, the trial court clerk shall provide and forward copies to all counsel...

SCOTLAND, P.J.

C049625 In re AARON K.; THE PEOPLE v. AARON K.

(Not for Publication)

THE COURT:

It is ordered that the opinion filed in this case on February 28, 2006, be modified...

... This modification changes the judgment.

Appellant's petition for rehearing is denied.

FOR THE COURT:

DAVIS, Acting P.J.

BUTZ, J.

March 22, 2006

At 9:31 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Nicholson, Associate Justice; Butz, Associate Justice and Guzman, bailiff.

C049652 WATKINS v. BEAZER HOMES HOLDINGS CORP.

Cause called. Tammy Watkins argued In Pro Per as appellant. Gary M. Funamura argued as respondent. Cause submitted.

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At 9:58 a.m., the court recessed. At 10:01 a.m., the court reconvened with Scotland, Presiding Justice; Raye, Associate Justice; and Butz, Associate Justice.

**C048282 CONSULTING ENGINEERS AND LAND SURVEYORS OF CALIFORNIA, INC.
et al. v. PROFESSIONAL ENGINEERS IN CALIFORNIA GOVERNMENT**

Cause called. Kelley Stimpel Martinez argued for defendant-appellant. James P. Corn argued for plaintiffs-respondents. Leslie R. Lopez argued for respondent. Cause submitted.

At 10:41 a.m., the court recessed. At 10:46 a.m., the court reconvened with Sims, Associate Justice; Morrison, Associate Justice; and Cantil-Sakauye, Associate Justice.

C049449 ELLEDGE et al. v. CULBERTSON et al. and MARVEL

Cause called. Piotr G. Reysner argued for defendants-cross defendants-appellants. Jesse C. Ralph argued for defendant-cross complainant-respondent. Bonnie J. Anderson appeared only for plaintiffs-cross defendants-respondents. Cause submitted.

At 11:05 a.m., the court recessed. At 11:10 a.m., the court reconvened with Raye, Associate Justice; Morrison, Associate Justice; and Butz, Associate Justice.

C048693 THE PEOPLE v. LOCKE

Cause called. Charles M. Bonneau argued for appellant. Sarah J. Farhat, Deputy Attorney General, argued for respondent. Cause submitted.

At 11:40 a.m., the court recessed. At 11:42 a.m., the court reconvened with Raye, Associate Justice; Hull, Associate Justice; and Butz, Associate Justice.

**C051100 CALIFORNIANS FOR FAIR REPRESENTATION -- NO ON 77 et al. v. THE
SUPERIOR COURT OF SACRAMENTO COUNTY and SCHWARZENEGGER,
as Governor etc., et al.**

Cause called. Deborah Caplan and Lance Olson argued for petitioners. Charles H. Bell, Jr. argued for Real Parties in Interest. Cause submitted.

At 12:11 p.m., the court recessed. At 1:59 p.m., the court reconvened with Raye, Associate Justice; Morrison, Associate Justice; and Cantil-Sakauye, Associate Justice.

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C047810 THE PEOPLE v. FAIRBANKS

Cause called. Erin Radekin argued for appellant. Angelo S. Edralin argued for respondents. Cause submitted.

At 2:23 p.m., the court recessed until 9:30 a.m., Friday, March 24, 2006.

C048892 In re TOBY V.; THE PEOPLE v. TOBY V. (Not for Publication)

The order committing the minor to the CYA is affirmed...

Morrison, J.

We Concur: Blease, Acting P.J.

Butz, J.

C048322 BROOKS v. STEARNS

BY THE COURT:

Appellant's petition for rehearing is denied.

NICHOLSON, Acting P.J.

C050918 KODY P., a Minor, v. THE SUPERIOR COURT OF BUTTE COUNTY and THE PEOPLE et al. (CERTIFIED FOR PUBLICATION)

Let a peremptory writ of mandate issue... The alternative writ issued in this proceeding on December 12, 2005, is discharged.

RAYE, Acting P.J.

We Concur: Morrison, J.

Butz, J.

March 23, 2006

C048288 THE PEOPLE v. KONGKHAM (Not for Publication)

The judgment is affirmed.

NICHOLSON, Acting P.J.

We Concur: Morrison, J.

Butz, J.

C050958 THE PEOPLE v. SIDERS (Not for Publication)

The judgment is affirmed.

BUTZ, J.

We Concur: Morrison, Acting P.J.

Robie, J.

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- C050995 THE PEOPLE v. STORK (Not for Publication)**
The judgment is modified... As modified, the judgment is affirmed.
BUTZ, J.
We Concur: Morrison, Acting P.J.
Robie, J.
- C047587 SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN
SERVICES v. SCOTT G. (Not for Publication)**
The juvenile court's order imposing sanctions is reversed. Costs on
appeal are awarded to appellant. (Cal. Rules of Court, rule 27(a).)
NICHOLSON, Acting P.J.
We Concur: Morrison, J.
Butz, J.
- C050723 In re G.V.; YOLO COUNTY DEPARTMENT OF EMPLOYMENT AND SOCIAL
SERVICES v. BRIANA H. (Not for Publication)**
The order terminating appellant's parental rights is affirmed.
ROBIE, J.
We Concur: Morrison, Acting P.J.
Butz, J.
- C047512 THE PEOPLE v. SHESHKUTOV
BY THE COURT:**
Appellant's petition for rehearing is denied.
NICHOLSON, Acting P.J.

March 24, 2006

At 9:34 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Nicholson, Associate Justice; Butz, Associate Justice; and Facey, bailiff.

- C049915 ANTHONY B. et al. v. ARMIDA C.**
Cause called. Kimball Sargeant, court appointed counsel, argued for appellant. Brendon Ishikawa argued for respondents. Cause submitted.

At 10:05 a.m., the court recessed. At 10:11 a.m., the court reconvened with Scotland, Presiding Justice; Raye, Associate Justice; and Morrison, Associate Justice.

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C047826 **YEO LAI SAH BUDDIST MONASTERY AND ZEN TEMPLE OF AMERICA v.**
C049616 **NELIDOVE et al.**

Cause called. Geoffrey Rotwein argued for appellant. Douglas R. Roeca argued for respondents. Cause submitted.

At 10:43 a.m., the court recessed. At 10:47 a.m., the court reconvened with Sims, Associate Justice; Morrison, Associate Justice; and Cantil-Sakauye, Associate Justice.

C050008 **TAYLOR et al. v. ROSEVILLE TOYOTA, INC.**

Cause called. Daniel P. Costa argued for appellant. David M. Daniels argued for respondents. Cause submitted.

At 11:16 a.m., the court recessed. At 11:18 a.m., the court reconvened with Sims, Associate Justice; Hull, Associate Justice; and Robie, Associate Justice.

C048306 **THE PEOPLE v. LIMONES et al.**

Cause called. Philip Brooks, court appointed counsel, argued for appellant Ruiz. Eileen S. Kotler, court appointed counsel, argued for appellant, Limones. Melissa Lipon, Deputy Attorney General, argued for respondent. Cause submitted.

C047790 **THE PEOPLE v. UMANA et al.**

Cause called. Eileen S. Kotler, court appointed counsel, argued for appellant Langshaw. Athena Shudde, court appointed counsel argued for appellant Umana. John A. Bachman, Deputy Attorney General, argued for respondent. Cause submitted.

At 12:08 p.m., the court recessed. At 2:02 p.m., the court reconvened with Scotland, Presiding Justice; Nicholson, Associate Justice; and Robie, Associate Justice.

C046784 **In re S.C.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND
HUMAN SERVICES v. KELLY E.**

Cause called. Julie Lynn Wolff argued for appellant. Nanci A. Porter, Deputy County Counsel, argued for respondent. Cause submitted.

At 2:50 p.m., the court recessed until 9:30 a.m., Monday, April 17, 2006.

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DAVIS, Acting P.J.